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8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11
12 MORRIS SCHNEIDER WITTSTADT, LLC,
a Georgia Limited Liability Company; and
13 LANDCASTLE ACQUISITION, CORP., a
Delaware Corporation,

14 Plaintiffs,

15 vs.

16 NEVADA PROPERTY 1 LLC, a Delaware
17 Limited Liability Company doing business as
THE COSMOPOLITAN OF LAS VEGAS,

18 Defendant.
19

Case No. 2:15-cv-01175-RFB-VCF

**[PROPOSED] ORDER GRANTING
THE COSMOPOLITAN OF LAS
VEGAS'S MOTION TO DISMISS FOR
LACK OF SUBJECT MATTER
JURISDICTION [Doc. 18]**

20 This matter came before the Court as a result of Defendant Nevada Property 1 LLC dba
21 The Cosmopolitan of Las Vegas's (hereinafter "Cosmopolitan") Motion to Dismiss for Lack of
22 Subject Matter Jurisdiction [Doc. 18] (the "Motion"). The Motion was filed on October 2, 2015.
23 On October 13, 2015, Plaintiffs Morris Schneider Wittstadt, LLC and Landcastle Acquisition,
24 Corp. (hereinafter "Plaintiffs") filed a Notice of Non-Opposition [Doc. 19] to the Cosmopolitan's
25 Motion.

26 The Court, having considered the papers, being fully advised in the premises and good
27 cause appearing therefor, hereby finds and orders as follows:

THIS COURT FINDS that it lacks subject matter jurisdiction over this action based on the citizenship of the parties.

IT IS THEREFORE ORDERED that the Motion is GRANTED. Plaintiffs' First Amended Complaint [Doc. 16] is hereby dismissed, WITHOUT PREJUDICE, for lack of subject matter jurisdiction.

IT IS FURTHER ORDERED that Plaintiffs may re-file this action as permitted by NRS 11.500.

DATED this 3rd day of March, 2016.



RICHARD F. BOULWARE, II
United States District Judge

Respectfully submitted by:

**WEINBERG, WHEELER, HUDGINS,
GUNN & DIAL, LLC**



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Approved as to Form by:

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/s/ Colby L. Balkenbush

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